

## REMARKS

Claims 1-21, 23, 24, 26-30, 35-51, 53-63 and 66-69 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2003/0050527 to Fox *et al.* (“Fox”).

Claims 1 and 63 have been amended. Support for the amendments is found throughout the specification, and particularly for example in Figures 1-9 and in paragraphs [0009], [0042], [0076] and [0085]-[0090]. No claims have been canceled or added. No new matter has been added.

In applicant’s previous response, it was noted that Fox did not teach the claimed embodiments because Fox’s conductors are “negative turns *in the windings of the stimulator coil*,” and therefore cannot be said to be “peripheral to” the stimulator coil. (*Response to Office Action dated November 14, 2008 at p. 12*) (emphasis added). In response to that suggestion, the present office action notes that two objects that are “peripheral” to one another may be a part of each other. (*Office Action dated April 28, 2009 at p. 8*). Therefore, the office action concludes that because Fox’s windings are a part of the stimulator coil the two may be “peripheral” to each other, as previously claimed. (*Id.*)

In accordance with the Examiner’s suggestion in the office action, the claims have been amended to change the term “peripheral” to “proximate.” Therefore, the claims recite, in part, a circuit pad for reducing discomfort with a conductor that is located *proximate* to a magnetic stimulation device. As such, the amended claims are now distinct from Fox’s teaching of windings that are part of the coil itself.

The amended claims are directed to a circuit pad that reduces discomfort caused by a magnetic stimulation device. The circuit pad includes a conductor that reduces the stimulation from the magnetic stimulation device. The circuit pad with the conductor are located *proximate* to the magnetic stimulation device. The magnetic stimulation device creates magnetic fields to treat a patient’s depression, for example, while the proximate conductor on the circuit pad reduces undesirable and painful stimulation of the patient’s scalp stimulation, for example.

The office action suggests that Fox’s paragraph [0150] teaches the circuit pad with the conductor, as recited in the claimed embodiments. In particular, the office action suggests that Fox’s “negative turns *in the windings of the stimulator coil*” may reduce stimulation.

(*Office Action dated April 28, 2009 at p. 2*) (emphasis added). However, Fox's "conductor" or negative winding is not located *proximate* to Fox's coil-based magnetic stimulation device. Instead, Fox's "conductor" *is part of the stimulator coil itself*.

Fox's paragraph [0150] notes that it reduces stimulation using "the addition of negative turns to the windings of the stimulator coil, and a small spacing between the coil and the scalp." In other words, Fox's coil is generating the magnetic field, and Fox simply adds more windings to this coil to alter its field. While the claimed embodiments recite a circuit pad with a conductor proximate to the magnetic stimulation device, Fox teaches a conductor that is part of the device that generates the magnetic field.

The distinction of having another conductor proximate to the magnetic stimulation device is significant. In fact, Fox's paragraph [0150] admits that its technique has an impact on the coil generating the field itself when it acknowledges that its technique "comes at the expense of some focusing ability, and coil inductance and heating."

Accordingly, applicant respectfully requests withdrawal of the rejection of claims 1-21, 23, 24, 26-30, 35-51, 53-63 and 66-69 under 35 U.S.C. 102(e) over Fox.

Claims 22 and 63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of U.S. Pub. No. 2001/0018547 to Mechlenburg *et al.* ("Mechlenburg"). Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fox. Claims 31-34, 52 and 64-65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of U.S. Patent No. 6,477,410 to Henley *et al.* ("Henley").

For the same reasons discussed above with respect to the rejection of claims 1-21, 23, 24, 26-30, 35-51, 53-63 and 66-69 under 35 U.S.C. 102(e) over Fox, applicant respectfully requests withdrawal of the rejection of claims 22 and 63 over Fox and Mechlenburg, claim 25 over Fox, and claims 31-34, 52 and 64-65 over Fox and Henley.

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**PATENT**

### **Conclusion**

In view of the foregoing, applicant respectfully submits that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia at (215) 564-8946, to discuss resolution of any remaining issues.

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